

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

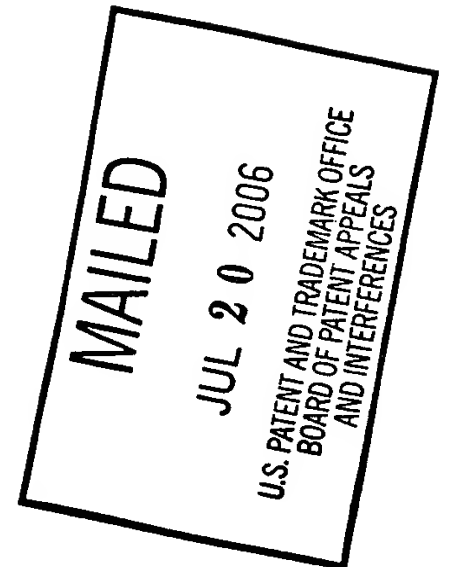
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

**Ex parte** RIYI SHI and RICHARD B. BORGENS  
\_\_\_\_\_

Application No. 09/438,206  
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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
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This application was electronically received at the Board of Patent Appeals and Interferences on July 18, 2006. A review has revealed that this application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

**TERMINAL DISCLAIMER**

A Terminal Disclaimer was received on November 23, 2005. There is no written communication from the Examiner or the Technology Center Paralegal notifying Appellants as to whether or not the Terminal Disclaimer has been approved. **See the Manual of Patent Examining Procedure (MPEP) § 1490.**

Application No. 09/438,206

Accordingly, it is

ORDERED that the application is returned to the  
Examiner:

1) to provide complete consideration of the Terminal  
Disclaimer;

2) to issue written notification to Appellants as to the  
status of the Terminal Disclaimer, and have this communication  
scanned into the record; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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DMS:hh

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